

**USAID Consultation with Colombian Civil Society Organizations
Regarding the 2006-2010 Human Rights Program:
Conclusions and Recommendations**

**January 26 & 27, 2006
Bogotá, Colombia**

I. Introduction

This report contains the conclusions and recommendations emanating from two meetings held in Bogotá, Colombia with Colombian civil society organizations (CSOs). At the meetings, the NGO and other civil society representatives were consulted on the development of USAID's future Human Rights Program in their country. These consultations took place on January 26 and 27, 2006, at the Hotel Dann Carlton in Bogotá, and were attended by 36 civil society organizations, respectively (more than 60 organizations had been invited). The list of participating organizations is attached in Annex A. Representatives from USAID/Colombia and the U.S. Embassy also attended.

The Colombia consultations centered on a discussion of the background paper prepared by USAID, entitled *Concept Paper for USAID Consultation with Colombian and International Civil Society Organizations* [hereinafter, "*Concept Paper*"], which was circulated to invited organizations in advance of the meetings. In particular, the meetings sought to elicit answers or reactions to a list of proposed questions prepared by USAID and included as an annex to the *Concept Paper*. These discussions were moderated by Arturo Carrillo, an independent consultant and professor at The George Washington University Law School.

Below are the principal results of the dialogue and feedback generated in response to the *Concept Paper* and the discussion questions. It is important to note that the conclusions and recommendations formulated during the January 26 consultation were integrated into the program of the event held the following day, allowing the CSO participants in the January 27 meeting to study, discuss, elaborate on, complement and, in some cases, challenge the results of the first day.

It is also important to note that this document does not support, correct, or refute the comments made by CSOs, nor does it attempt to clarify misperceptions or misunderstanding of the current human rights program. It merely reports the comments and discussion of these days.

II. Conclusions and Recommendations: Consultation of January 26, 2006

- Participants opined that, in general, the USAID *Concept Paper* correctly identifies the most important and urgent needs and concerns of Colombian civil society with respect to human rights.

- A specific concern not reflected is the need to support local and national civil society peace initiatives.
- Similarly, there was a perceived need to promote or assist in the progressive integration of the Colombian peace and human rights movements.
- Another was the need to sensitize the population in democratic culture [*cultura democrática*]. This implies training programs directed towards officials and civil society as well as promoting interactions between them.

- USAID's "tandem or dual approach" was thought by most CSOs to be basically correct [see question 8] [\[1\]](#); i.e. that providing assistance to government and state authorities, on the one hand; and civil society organizations on the other; is an appropriate strategy.

- However, several CSO organizations expressed concern that this approach seemed to prioritize governmental and state actor needs, and that there was in fact an "overemphasis" in existing programming on providing aid to official sectors.

- A number of participants recommended stronger links and greater cooperation between the Human Rights Program and other USAID programs in Colombia that address human rights issues, primarily those responsible for justice reform, democracy strengthening, the peace process and internally displaced persons ["IDPs"].

- Many CSOs believed that there is a need for greater support by USAID of non-governmental organizations' institutional capacity; especially with respect to their capability to interact and engage effectively with the Colombian authorities at the local, regional and national levels. Specific initiatives are required to:

- Strengthen effective CSO participation in and impact on the formulation and implementation of public policies [*incidencia en políticas públicas*];
- Create effective channels for dialogue and interaction with state and government officials in the context of a true "democratic culture" and with a view to promoting greater accountability;
- Promote and strengthen non-governmental networks and alliances at all levels.

- Some CSOs were concerned that the geographic focus proposed in the USAID *Concept Paper*, emphasizing "rural, isolated, conflict impacted" communities, should be refined and/or expanded to avoid the exclusion of marginalized urban sectors; especially internally displaced persons who gravitate in large numbers from the countryside to the cities. In recognition that victims of human rights violations settled in the cities or urban areas, some CSO representatives cautioned against

regionalization of human rights violations, believing that human rights problems can not be regionalized.

- The urban/rural dichotomy in Colombia no longer provides an accurate or sufficient framework for the analysis of victimized sectors.
- Some CSOs held that USAID's focus on vulnerable sectors of Colombian society should be broadened to expressly include IDPs, rural *campesino* populations, as well as adolescents and children. In this area, they also requested to include other problems that need to be attended, such as "disappearances".
- At the same time, concerns were expressed that the *Concept Paper* lacks precision with respect to the type of support or assistance that USAID purports to offer to sectors identified (e.g. women, minority groups, human rights defenders, journalists).
- Some CSOs opined that USAID's substantive focus on "fundamental rights", as defined in the *Concept Paper*, was too narrow. It was suggested that a more integrated approach would be better; that the focus should not be limited exclusively to basic civil and political rights, but should also encompass some core economic and social rights. This would include areas such as the right to food, adequate standard of living, education or freedom from domestic violence, and areas that have a direct connection to the impact of the armed conflict.
- The need to strengthen the gender perspective was also noted, and participants encouraged it be incorporated as a cross cutting topic within the concept paper.
- Indigenous groups recommended that USAID intensify its support of their cause, in particular regarding the need to more effectively implement Colombia's special legal regimes protecting indigenous lands and the local administration of justice in indigenous communities.
- With respect to the Colombian authorities, the institutionalization of USAID funded programs, i.e., their "Colombianization" and their sustainability in the long run are dependent on political will to ensure sufficiency of resources. Specific recommendations to promote "Colombianization" and sustainability include:
 - Strengthening the Public Ministry's (*Procuraduría, Defensoría*) capacity to exercise effective oversight of government conduct and policy;
 - Strengthening the capacity of NGOs and civil society groups to independently monitor the human rights situation and adequacy of official programs that respond to it;
 - Open new constructive channels for dialogue between the Colombian authorities and civil society organizations on these issues.
 - Strengthen the advocacy capacity of CSOs.
- With regard to the ongoing peace process with the paramilitary groups, several CSO representatives felt that the rights of victims were under-emphasized in relation to those of the demobilized combatants. To the extent that USAID's future Human Rights Program will support this process, it should give priority to the rights of victims to truth, justice and reparations. Specifically, the new program should:

- Provide institutional and technical support to victims' organizations, as well as other NGOs and civil society groups that work with victims of the armed conflict and paramilitary abuses;
- Promote the creation of a victims database [*registro de víctimas*] to assist in the process of achieving increased levels of truth, justice and especially reparations;
- Ensure adequate reparations that recognize and address, among other elements, the mental and social harm [*daño psicosocial*] to victims.
- Combat impunity by addressing the country's history of "paramilitarization" and the opportunity to assist the justice system deal with it.
- Support those organizations that document the situation of victims to help create and preserve a "historical memory" of the conflict [*la memoria histórica*]. This with a view to the eventual establishment of a truth commission or similar entity.

Several CSOs expressed their appreciation at being consulted on the development of USAID's Human Rights Program for 2006-2010. It was recommended that to maintain this constructive dialogue between USAID and the CSO community, it was important to establish a follow-up mechanism to the Consultation.

III. Conclusions and Recommendations: Consultation of January 27, 2006

- A number of the conclusions and recommendations identified during the first day's consultation were specifically addressed by the CSO group meeting on January 27 as well. These will be examined first, before turning to a summary of additional conclusions and recommendations that emerged from the latter meeting.

A. January 27 CSO Commentary on Conclusions and Recommendations of January 26, 2006.

- The perception that the USAID Human Rights Program prioritizes government and state entities over civil society groups is not entirely accurate. Critics of the Program's lack of "balance" in this respect were apparently not taking into account a number of official programs that either (1) directly benefit the CSO community (e.g. the protection program at the Ministry of the Interior and Justice), or (2) contemplate an important role for CSOs in their implementation (e.g. the communities at risk program).

- It was felt generally that the *Concept Paper* could do a better job of reflecting this reality.
- One reason for the perception of imbalance in the distribution of USAID resources is the lack of information or understanding regarding how several of the targeted official programs actually work.
- This deficiency can and should be addressed by adopting initiatives to disseminate information on, and elevate civil society awareness about, how USAID operates in Colombia.
- USAID support directed towards civil society should be sufficiently publicized.

- The CSO representatives agreed that there should be a more integrated approach to defining the new Program's strategy in terms of the substantive focus proposed. This

would include cross-sectoral synergies. In particular, they also recommended recognizing the relevance of certain basic social and economic rights, primarily children's' rights and the right to education.

- In many cases, a sharp distinction cannot be drawn between “fundamental rights” as defined in the *Concept Paper*, and basic social and economic rights, especially those that have a direct relationship with the armed conflict. Two examples were offered. The first is children's rights in relation to the endemic problem of child soldiers. The second, related example is the importance of the right to education as a means of preventing the recruitment of child soldiers in the first place and of facilitating their reintegration into civil society once demobilized.

- Similarly, CSOs present agreed that both the geographic scope and sectoral focus proposed in the *Concept Paper* are defined too narrowly.

- In particular, the geographic focus described excludes not only IDPs but also most victims of extortive kidnapping, a violation of human rights that transcends social as well as geographic boundaries.
- In the same vein, children and adolescents are excluded from the paper's sectoral analysis, as are the private and business sectors of Colombian civil society that are directly victimized by the conflict, especially through kidnapping and extortion.
- Accordingly, the strategic focus of the new Program should be expanded to include children and adolescents; the victims of extortive kidnapping, and the private/business sectors.

- With respect to the sustainability of government and state human rights programs, participants stressed the importance of supporting long term projects that continue regardless of change in government leadership, and creating “institutional memory” within the official entities charged with implementing such programs.

- A specific recommendation was to reinforce the integration of human rights objectives into departmental and local development policies and their implementing action plans (*planes de desarrollo y de acción*).

- What is needed across the board is a more “integrated” approach. It was emphasized that to better serve the beneficiaries of USAID sponsored human rights activities, USAID should:

- Strive to integrate (or at least coordinate more effectively) key aspects of the Human Rights program with other programmatically complementary and mutually reinforcing programs USAID operates in Colombia, primarily in the areas of justice reform and peace initiatives.
- Promote greater coordination within the Human Rights Program among the various activities carried out in the respective areas of prevention, protection and response.

- The current “compartmentalization” of programs, priorities and operational areas impedes acting in a comprehensive fashion to address the problems or circumstances giving rise to human rights violations. An example was offered.

- CSOs perceived a need to link the protection program of the Ministry of the Interior and Justice to more effective responses to the underlying causes of threats against the recipients of protection, i.e. instead of focusing on emergency protection responses, seek stronger links to enforcement functions and organizations.

- As a means to more effectively achieve synergetic integration of USAID’s programs, participants proposed focusing on promoting enactment of legislation and adoption of regulations in certain key areas affecting human rights in Colombia; initiatives aimed at securing the promulgation of specialized norms and uniform regulations among diverse actors, to advance and consolidate mechanisms and procedures for effective protection of these rights.

- USAID could support governmental or non-governmental initiatives directed at the adoption of implementing legislation for the chapter on fundamental rights in the 1991 Constitution via a framework law [*ley estatutaria*], which currently does not exist.
- Formulate and adopt official regulations governing the operation of various key human rights programs sponsored by USAID. This recommendations also bears on the issue of sustainability, discussed above.

- Regarding the peace process with paramilitary groups, there was some concern about the appropriate role of victims’ groups because some are perceived as not necessarily representing the interests of individual victims. However, the experience in other countries that have undergone similar political transitions confirms that such groups can play a critical role in effectively promoting the victims’ rights to truth, justice and especially reparations during such periods.

- Most participants recognized the importance of supporting victims’ groups as advocates for the rights of victims generally.
- In particular, USAID should provide support and technical assistance to victims’ organizations and their NGO allies *vis a vis* the implementation of the Justice and Peace Law (Law 975) and related initiatives that promote the victims’ rights to truth, justice and reparations.
- Important to strengthen local CSO capacity to document human rights violations at the regional and community levels, especially those against vulnerable sectors like ethnic and racial minority groups, as a means of preserving a record that can contribute to the search for truth.

B. Additional Conclusions and Recommendations (Jan. 27)

- USAID’s goal regarding the sustainability of civil society initiatives supported through the funding of NGOs and other civil society groups needs greater definition. There was much debate as to what sustainability should mean from the CSO perspective.

- Colombian NGOs rely by definition on external funding to operate and survive, especially funding obtained as a consequence of international cooperation and aid.
 - Since most funding is limited to specific programs or products, and thus runs out when the program is to end or the product is produced, one way to promote sustainability would be to invest in the institutional capacity of an organization.
 - Another approach is not to cut off funds completely for supported projects at the end of the grant period, as is the common practice, but rather to phase them out slowly. This means “weaning” an organization off external funding sources on a specific project by implementing a series of pre-determined partial reductions spread over time and tied to parallel initiatives aimed at achieving its sustainability.
 - More could be done also to develop and encourage increased financial support for CSOs from private sector sources. A few such organizations partner with private entities, but in the human rights field such collaborations are virtually non-existent.
 - There was concern expressed about the way some human rights organizations mismanage funding, resulting in the call for increased internal and external oversight to ensure that the resources allotted are in fact reaching their intended beneficiaries.
 - Finally, efforts should be made to increase and strengthen alliances among NGOs and civil society groups in Colombia, as well as deepening ties between national organizations and international entities that can help to support them.
- Several of the participants urged the future Human Rights Program to take into account more effectively the work of experienced civil society groups already operating in the specific fields or geographic areas covered by the Program. This would avoid unnecessary overlap and redundancy in their respective activities, and encourage the best use of limited resources.
- As a whole, the group believed that the new Program could place a greater emphasis on consulting with and empowering CSO organizations in the execution of its USAID funded activities in the non-governmental arena.
- Several CSO representatives underscored the importance of promoting greater cooperation between state and government agencies with respect to existing and future human rights programs.
- At the same time, the Colombian authorities should coordinate to consult civil society groups and NGOs about their activities and projects in the field to avoid unnecessary overlap with state and government programs.

Some participants urged USAID to continue to support the human rights program of the Office of the Vice Presidency, which they consider to be worthwhile despite some shortfalls in capacity.

- In particular, USAID should continue to support efforts by the Vice President’s Office to produce a national human rights strategic plan, which is overdue.
- Similarly, USAID should encourage greater transparency and broader consultation with civil society groups on the part of the Vice Presidency’s

human rights program, which some feel may be vulnerable on occasion to "political" factors.

It was recommended that USAID adopt a greater focus on reconciliation and support civil society peace initiatives that move in this direction. Reconciliation should be made a priority, especially as the number of demobilized combatants increases. In addition to supporting victims' groups, a measure already discussed, further steps to take towards meeting this recommendation include:

- Providing assistance in general to government and state authorities charged with implementing Law 975 and encouraging compliance through its effective implementation with relevant international standards on truth, justice and reparations;
- Supporting the National Reparations and Reconciliation Commission;
- Helping the *Procuraduría* and the *Defensoría* meet their increased responsibilities under Law 975 effectively;
- Providing support to demobilized children and adolescents, who are themselves victims of the conflict;
- Promoting human rights education with a focus on reconciliation in schools and for the general public; the same should be provided to demobilized combatants, especially children and adolescents.

^[1] Question 8 asks "While the USAID Mission has not yet received authority or funding to proceed with a robust demobilization and reintegration program, what type of support would be most beneficial for both victims and the demobilized?".

ANNEX A: LIST OF ATTENDEES

The following non-governmental and civil society organizations participated in the USAID Consultation meeting held in Bogota on January 26, 2006.

La Alianza

Alianza Progresiva para la Paz

Asociación de Afro colombianos Desplazados (AFRODES)

Asociación de Familiares de Detenidos Desaparecidos (ASFADDES)

Asociación Nacional de Usuarios Campesinos (ANUC)

Centro de Investigación y Educación Popular (CINEP)

Comisión Colombiana de Juristas

Conferencia Nacional Afro colombiana

Consejería en Proyectos

Consejo Regional Indígena del Cauca (CRIC)

Consejo Regional Indígena del Tolima (CRIT)

Consultaría para los Derechos Humanos (CODHES)

Coordinación Colombia-Europa-Estados Unidos

Corporación Nuevo Arco Iris

Corporación Humanizar

Fellowship of Reconciliation

Fundación AFFIC

Fundación Dos Mundos

Fundación Esperanza

Fundación Reiniciar

Instituto Popular de Capacitación (IPC)

Liga Internacional de Mujeres por la Paz (LIMPAL)

Organización Nacional Indígena de Colombia (ONIC)

Pastoral Social

Programa Desarrollo y Paz del Magdalena Medio

Redepaz

Red Nacional de Mujeres Afro colombianas

Universidad Pedagógica Nacional de Colombia

The following non-governmental organizations and civil society groups participated in the USAID Consultation meeting held in Bogota on January 27, 2006.

Asociación Democrática para la Defensa de Derechos Humanos (ASDEH)

Corporación Excelencia en la Justicia

Fundación para la Libertad de la Prensa (FLIP)

Fundación Restrepo Barco

Fundación Social

País Libre